



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SMC
Docket No: 02890-99
16 December 1999

YN2 [REDACTED] SN
[REDACTED]

Dear Petty [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 December 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 27 September 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. The Board noted that the reporting senior's observation need not be direct, and that his reply dated 28 June 1999 to your rebuttal of 21 April 1999 stated input for the contested report was provided by the administrative officer. They further noted the reporting senior stated the senior resident agent verbally counseled you on four occasions, and the chief petty officer counseled you once. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1610
PERS-311
27 SEP 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00XCB)

Subj: YN2 [REDACTED] USN [REDACTED]

Ref: (a) BUPERSINST 1610.10, EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests modification of his performance report for the period of 11 November 1998 to 15 March 1999.

2. Based on our review of the material provided, we find the following:

a. A review of the member's digitized record revealed the report in question to be on file. The member signed the report indicating his desire to submit a statement. The member's statement, along with the command's endorsement is on file.

b. The member feels the report in question is unjust due to his performance only being observed by his assigned command for 45 days during the reporting period. The member reported on board, NCISRA, Souda Bay Crete, Greece on 9 December 1998 and was subsequently assigned Temporary Additional Duty (TAD) for a total of six weeks during the reporting period. The member alleges that while being at his assigned command his performance was not observed due to his supervisors being constantly assigned TAD until 10 February 1999; therefore, the member feels that his performance was not fairly evaluated per reference (a), Annex G, paragraph G-2.

c. The reporting senior is responsible for submitting performance reports for member's assigned to his or her command. Although [REDACTED] was assigned Temporary Additional Duty (TAD) for most of the reporting period, the original reporting senior retains the responsibility to ensure that all periods are covered by regular reports and that all aspects of a member's performance has been adequately reported. Reference (a), does

Subj: YN2 [REDACTED] USN [REDACTED]

not require a reporting senior to be present during the entire reporting period. It is the responsibility of the reporting senior (not the member) to determine if a fair and meaningful evaluation or recommendation can be made.

d. The member states that he never received any counseling sheets, nor any written indication from the rater that his "Quality of Work" deserved the mark of "2.0" as indicated in block 34 of the report in question. Counseling on performance is mandatory in accordance with reference (a), Annex C, and may occur in different ways. Written documentation of counseling is not required.

e. The member does not prove the report to be unjust or in error.

3. We recommend retention of the report as written.

[REDACTED]

Head, Performance
Evaluation Branch